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7 SIDNEY THEODORE SCARLETT,
8 Plaintiff,
9 v.
10 PATRICK COUGHLIN, et al.,
11 Defendants.

Case No. [22-cv-06992-HSG](#)

**ORDER REGARDING MOTION TO
DISMISS**

Re: Dkt. Nos. 6, 13

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13 Pending before the Court is the Government's motion to dismiss, filed November 15,
14 2022. Dkt. No. 6. The briefing schedule has already been extended once, *see* Dkt. No. 11, but
15 Plaintiff has not filed an opposition as of the date of this order. Instead, Plaintiff filed a motion to
16 stay requesting that he be given until February 15, 2023 to respond to the motion and stating that
17 he had not been properly served with the Government's filings. Dkt. No. 13.

18 The Court **TERMINATES AS MOOT** Plaintiff's motion to stay. The Government has
19 filed several certificates of service that indicate that it served Plaintiff with, for example, the notice
20 of removal, the initial case management scheduling order, and the Government's
21 consent/declination form to proceed before a magistrate judge. *See, e.g.*, Dkt. Nos. 2, 7, 10.

22 The Court **SETS** the following briefing schedule on the motion to dismiss: Plaintiff's
23 opposition is due by April 14, 2023 and any reply is due by April 18, 2023.

24 **IT IS SO ORDERED.**

25 Dated: 4/5/2023

26 
27 HAYWOOD S. GILLIAM, JR.
28 United States District Judge